



Report Committee of Adjustment

Filing Date: December 11th, 2024
Hearing Date: January 28th, 2025

File: A-2024-0449

**Owner/
Applicant:** Wave Homes
Arup Datta Architect LTD

Address: 12039 Hurontario Street

Ward: WARD 2

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0449 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The subject site, referred to as 12039 Hurontario Street, is located north of Mayfield Road and Hurontario Street. Applications for an Official Plan Amendment and Zoning By-law Amendment (OZS-2021-0017) were approved by Council in 2022 to allow for a High-Density Residential Development on the subject property. In April of 2024 this property had approved minor variance application to increase permitted building height. Thereafter, the property was sold to new owners who, upon further review, determined that the current state is unbuildable. This property is current under review in SPA-2022-0106. They are now requesting these variances to mitigate potential losses and to make minor adjustments to the setbacks and Floor Space Index (FSI), allowing them to bring this development to the community in the near future.

Existing Zoning

The property is zoned 'Residential Apartment A Section 3625 (R4A-3625)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a hydro transformer to be setback 1.5 metres from the north side lot line and 1.5 metres from the rear lot line, whereas the by-law requires a minimum setback of 3 metres from the north side lot line and 8.5 metres from the rear lot line.
2. To permit a north interior side yard setback of 3.9 metres to the proposed apartment building, whereas the by-law requires a minimum north interior side yard setback of 4.0 metres.
3. To permit a Floor Space Index (FSI) of 4.3 whereas the by-law permits a maximum FSI of 3.8.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the 2006 Official Plan and 'High Density Residential' in the Snelgrove-Heart Lake Secondary Plan (Area 1). The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhoods' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The designation of "High Density Residential" in the Snelgrove-Heart Lake Secondary Plan allows for uses permitted on lands designated High Density Residential on Schedule 1 shall be developed in accordance with the New Housing Mix and Density Categories in Section 4.2.1.2 of the Official Plan. The variance 1 and 3 are requested to address aspects of the development that relates to the built form which is not considered to have any impact within the context of the Official Plan. Variance 2 relates to the site wide zoning provision such a floor space index, the requested variance and overall proposed development conforms to the Official Plan as it is located in an area designated for significant intensification. The site supports a complete community and efficiently utilizes existing and planned infrastructure.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is to permit a hydro transformer to be setback 1.5 metres from the north side lot line and 1.5 metres from the rear lot line, whereas the by-law requires a minimum setback of 3 metres from the north side lot line and 8.5 metres from the rear lot line. Variance 2 is requested to permit a north interior side yard setback of 3.9 metres to the proposed apartment building, whereas the by-law requires a minimum north interior side yard setback of 4.0 metres. The intent of the by-law in regulating minimum building setback requirements is to control the massing of the building, to ensure that there are adequate areas for landscaping, parking and the maneuvering of vehicles around the property. In this

case the setbacks are minor which maintains the general intent of the zoning bylaw and does not impact the circulation or details of the site.

Variance 3 is requested to permit a Floor Space Index (FSI) of 4.3 whereas the by-law permits a maximum FSI of 3.8. The by-law aims to prevent excessive density that could affect adjacent properties by controlling development intensity through FSI, which is the ratio of a building's gross residential floor area to the lot area. The proposed increase of 0.5 will continue to align with the planning policies for the area, facilitating a development that appropriately manages density, height, and massing according to the Zoning By-law's intent. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed development builds upon the previously approved plan, which was revised to accommodate changes to address market changes. Variance 1 and 2 related to a request for setbacks for the building and hydro transformer. The building setback is 0.1 metres less than required as such this minor change will not impact adjacent properties. The setback of the hydro transformer is the ideal location for the development and adjacent properties. Variance 3 relates to the request to increase the floor index space; this is to create larger two-bedroom units for marketability. The changes requested will not negatively impact the site or the surrounding area. Subject to the recommended conditions, the variance is considered to be desirable for appropriate development of the land.

4. Minor in Nature

The requested variances involve building setback, floor space index, and hydro transformer setback. These variances will provide this development the needed minor changes to proceed. Subject to the recommended conditions of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A (Site Photos)

